

I'm interested in having the Joint Procedure Committee consider the Uniform Interstate Deposition and Discovery Act. I think it would be a great assistance to practicing attorneys. I would like to have the State Bar join with the Uniform Law Commission to recommend adoption of the uniform act as a rule – I think it's procedural and should be adopted as a rule rather than as a statute.

Could we request that the Board of Governors approve making a request to the Joint Procedure Committee at the November meeting? I'm including a link to the Act and a brief summary.

Gail

http://www.law.upenn.edu/bll/archives/ulc/idda/2007act_final.htm

Uniform Interstate Deposition and Discovery Act

The Uniform Law Commission promulgated the **Uniform Interstate Depositions and Discovery Act** in 2007. The Act sets forth an efficient and inexpensive procedure for litigants to depose out of state individuals and for the production of discoverable materials that may be located out of state. Uniform procedures have become necessary as the amount of litigation involving individuals and documents located outside of the trial state has increased.

Under the **Uniform Interstate Depositions and Discovery Act**, litigants can present a clerk of the court located in the state where discoverable materials are sought with a subpoena issued by a court in the trial state. Once the clerk receives the foreign subpoena, the clerk will issue a subpoena for service upon the person or entity on which the original subpoena is directed. The terms of the issued subpoena must incorporate the same terms as the original subpoena and contain the contact information for all counsel of record and any party not represented by counsel.

The Act requires minimal judicial oversight and eliminates the need for obtaining a commission or local counsel in the discovery state, letters rogatory, or the filing of a miscellaneous action during the discovery phase of litigation. Discovery authorized by the subpoena is to comply with the rules of state in which it occurs. Furthermore, motions to quash, enforce, or modify a subpoena issued pursuant to the Act shall be brought in and governed by the rules the discovery state.